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OFFICE OF PETITIONS

In re Application of
Choe
Application No. 10/724,616
Filed: December 2, 2003
Attorney Docket No. P24344
For: SYSTEM AND METHOD FOR
IMPLEMENTING SOLAR CELL

DECISION GRANTING
PETITION

This is a decision on the petition entitled, "RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS AND PETITION FOR ACCEPTANCE OF ORIGINALLY FILED APPLICATION," filed September 2, 2004, requesting, in effect, partial withdrawal of the Notice to File Corrected Application Papers (Notice) insofar as it alleges that Figure 3a described in the specification was omitted. The petition will be treated under 37 CFR 1.53(e).

The application was filed on December 2, 2003. On July 2, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioners, *inter alia*, that Figure 3a described in the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that Figure 3a be accorded a filing date of December 2, 2003 on the basis that 10 sheets of drawing figures, including Figure 3a, were received in the Patent and Trademark Office (PTO) on December 2, 2003. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing December 2, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 10 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 10 sheets of drawing figures were filed on December 2, 2003. MPEP 503. A review of the originally filed sheets of drawings reveals that only 9 sheets are present. The page missing corresponds to the page that would contain a "Figure 3a." Accordingly, the request is granted.

Pursuant to petitioners' authorization, the \$130.00 petition fee will be refunded via a treasury check that will be scheduled shortly.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of December 2, 2003, using the 10 sheets of replacement drawing figures submitted with the instant petition. Office records will be corrected to show that 10 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.



E. Shirene Willis
Senior Petitions Attorney
Office of Petitions